

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : DATE FILED:

v. : CRIMINAL NO. 03-61

LYRIQUE RICARDO : VIOLATIONS: 21 U.S.C. § 846 (Conspiracy to
TROY LEAKS possess with the intent to
distribute marijuana - 1 count)
21 U.S.C. § 841(a)(1)
(Possession with intent to
distribute marijuana - 1 count)
18 U.S.C. § 2 (Aiding and
abetting)
21 U.S.C. § 851 (Notice of prior
conviction)

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From at least on or about November 18, 2002, through on or about November 26, 2002, at Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendants

LYRIQUE RICARDO
TROY LEAKS

conspired and agreed to knowingly and intentionally possess with the intent to distribute in excess of 50 kilograms, that is, approximately 59.42 kilograms, of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

MANNER AND MEANS

It was part of the conspiracy that:

2. Defendants LYRIQUE RICARDO and TROY LEAKS communicated via each others' cellular telephones.

3. Defendants LYRIQUE RICARDO and TROY LEAKS used Troy's Auto Island, located at 5310 North Masher Street in Philadelphia, Pennsylvania, owned and operated by defendant TROY LEAKS, as the point of destination of a shipment of approximately 59.42 kilograms of marijuana from Nice All Ship and Move, 220 East Broadway Street, Tucson, Arizona.

4. Defendant TROY LEAKS accepted delivery of the shipment of marijuana by executing the Emery Worldwide shipping documents using the false name "J. Williams."

5. Defendant LYRIQUE RICARDO removed containers of marijuana from Troy's Auto Island, loaded the containers into a Chrysler minivan registered to the mother of defendant TROY LEAKS, and attempted to transport the containers of marijuana to another location for the purpose of later distribution.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, the following overt acts, among others, were committed in the Eastern District of Pennsylvania and elsewhere:

1. On or about November 18, 2002, at approximately 1:23 p.m. Eastern Standard Time (EST), defendant LYRIQUE RICARDO contacted defendant TROY LEAKS using defendant RICARDO's cellular telephone.

2. On or about November 18, 2002, at approximately 2:03 p.m. EST,

defendant LYRIQUE RICARDO contacted defendant TROY LEAKS using defendant RICARDO's cellular telephone.

3. On or about November 18, 2002, at approximately 4:31 p.m. EST, defendant LYRIQUE RICARDO contacted defendant TROY LEAKS using defendant RICARDO's cellular telephone.

4. On or about November 18, 2002, at approximately 5:00 p.m. EST, defendant LYRIQUE RICARDO contacted defendant TROY LEAKS using defendant RICARDO's cellular telephone.

5. On or about November 18, 2002, at approximately 8:35 p.m. EST, defendant LYRIQUE RICARDO departed Philadelphia, Pennsylvania en route to Tucson, Arizona via America West Airlines.

6. On or about November 19, 2002, at approximately 10:46 a.m. EST, defendant LYRIQUE RICARDO contacted defendant TROY LEAKS using defendant RICARDO's cellular telephone.

7. On or about November 19, 2002, at approximately 1:04 p.m. EST, defendant LYRIQUE RICARDO contacted defendant TROY LEAKS using defendant RICARDO's cellular telephone.

8. On or about November 19, 2002, at approximately 1:12 p.m. EST, defendant LYRIQUE RICARDO contacted defendant TROY LEAKS using defendant RICARDO's cellular telephone.

9. On or about November 19, 2002, at approximately 6:46 p.m. EST, defendant LYRIQUE RICARDO contacted defendant TROY LEAKS using defendant

RICARDO's cellular telephone.

10. On or about November 21, 2002, at approximately 7:45 a.m. EST, defendant LYRIQUE RICARDO contacted defendant TROY LEAKS using defendant RICARDO's cellular telephone.

11. On or about November 21, 2002, at approximately 7:52 a.m. EST, defendant LYRIQUE RICARDO contacted defendant TROY LEAKS using defendant RICARDO's cellular telephone.

12. On or about November 21, 2002, at approximately 7:54 a.m. EST, defendant LYRIQUE RICARDO contacted defendant TROY LEAKS using defendant RICARDO's cellular telephone.

13. On or about November 21, 2002, at approximately 5:00 p.m. EST, defendant LYRIQUE RICARDO contacted David Chen, owner of Nice All Ship and Move, using defendant RICARDO's cellular telephone.

14. On or about November 21, 2002, at approximately 5:53 p.m. EST, defendant LYRIQUE RICARDO contacted David Chen, owner of Nice All Ship and Move, using defendant RICARDO's cellular telephone.

15. On or about November 22, 2002, at approximately 1:44 p.m. EST, defendant LYRIQUE RICARDO contacted defendant TROY LEAKS using defendant RICARDO's cellular telephone.

16. On or about November 22, 2002, at approximately 3:09 p.m. EST, defendant LYRIQUE RICARDO contacted defendant TROY LEAKS using defendant RICARDO's cellular telephone.

17. On or about November 22, 2002, defendant LYRIQUE RICARDO departed Tucson, Arizona en route to Philadelphia, Pennsylvania.

18. On or about November 23, 2002, at approximately 8:35 p.m. EST, defendant LYRIQUE RICARDO contacted defendant TROY LEAKS using defendant RICARDO's cellular telephone.

19. On or about November 23, 2002, at approximately 11:02 p.m. EST, defendant LYRIQUE RICARDO contacted defendant TROY LEAKS using defendant RICARDO's cellular telephone.

20. On or about November 23, 2002, at approximately 11:15 p.m. EST, defendant LYRIQUE RICARDO contacted defendant TROY LEAKS using defendant RICARDO's cellular telephone.

21. On or about November 23, 2002, at approximately 11:35 p.m. EST, defendant LYRIQUE RICARDO contacted defendant TROY LEAKS using defendant RICARDO's cellular telephone.

22. On or about November 24, 2002, at approximately 12:20 a.m. EST, defendant LYRIQUE RICARDO contacted defendant TROY LEAKS using defendant RICARDO's cellular telephone.

23. On or about November 24, 2002, at approximately 12:21 a.m. EST, defendant LYRIQUE RICARDO contacted defendant TROY LEAKS using defendant RICARDO's cellular telephone.

24. On or about November 24, 2002, at approximately 10:20 p.m. EST, defendant LYRIQUE RICARDO contacted defendant TROY LEAKS using defendant

RICARDO's cellular telephone.

25. On or about November 26, 2002, at approximately 3:52 p.m. EST, defendant LYRIQUE RICARDO contacted defendant TROY LEAKS using defendant RICARDO's cellular telephone.

26. On or about November 26, 2002, at approximately 4:20 p.m. EST, defendant TROY LEAKS executed an Emery Worldwide shipping document in the false name "J. Williams" and took possession of a 4 ft x 3 ft x 3 ½ ft wooden crate weighing approximately 260 pounds and containing two containers packaged with approximately 59.42 kilograms of marijuana.

27. On or about November 26, 2002, at approximately 8:48 p.m. EST, defendant LYRIQUE RICARDO contacted defendant TROY LEAKS using defendant RICARDO's cellular telephone.

28. On or about November 26, 2002, at approximately 9:22 p.m. EST, defendant LYRIQUE RICARDO contacted defendant TROY LEAKS using defendant RICARDO's cellular telephone.

29. On or about November 26, 2002, at approximately 10:52 p.m. EST, defendant LYRIQUE RICARDO contacted defendant TROY LEAKS using defendant RICARDO's cellular telephone.

30. On or about November 26, 2002, at approximately 11:00 p.m. EST, defendant TROY LEAKS contacted defendant LYRIQUE RICARDO using defendant LEAKS' cellular telephone.

31. On or about November 26, 2002, at approximately 11:30 p.m. EST, an

unidentified male co-conspirator arrived at Troy's Auto Island, unlocked the chain on the gate to the business premises, and entered the business premises.

32. On or about November 26, 2002, at approximately 11:32 p.m. EST, defendant LYRIQUE RICARDO arrived at Troy's Auto Island in a Chrysler minivan registered to defendant TROY LEAKS' mother and drove the minivan onto the business premises.

33. On or about November 26, 2002, at approximately 11:40 p.m. EST, defendant LYRIQUE RICARDO and the unidentified male co-conspirator opened the wooden crate containing two containers packaged with approximately 59.42 kilograms of marijuana inside Troy's Auto Island.

34. On or about November 26, 2002, at approximately 11:52 p.m. EST, defendant LYRIQUE RICARDO attempted to depart Troy's Auto Island in a Chrysler minivan registered to defendant TROY LEAKS' mother which had been loaded with two containers containing approximately 59.42 kilograms of marijuana.

35. On or about November 26, 2002, at approximately 11:54 p.m. EST, defendant LYRIQUE RICARDO abandoned the Chrysler minivan and fled on foot from law enforcement officers.

36. On or about November 26, 2002, at approximately 11:54 p.m. EST, the unidentified male co-conspirator fled on foot from law enforcement officers.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. On or November 26, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendants

LYRIQUE RICARDO
TROY LEAKS

did knowingly and intentionally possess with the intent to distribute, and did aid and abet the possession with the intent to distribute in excess of 50 kilograms, that is, approximately 59.42 kilograms, of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), and Title 18, United States Code, Section 2.

NOTICE OF PRIOR CONVICTION

LYRIQUE RICARDO committed the offense charged in Count One of this Indictment after having been convicted of a serious felony drug offense as follows:

(1) On or about March 30, 1999, in San Diego, in the State of California, the defendant was sentenced to a term of 3 years probation following his conviction for a controlled substance offense, that is, possession of concentrated cannabis, a felony under the laws of the State of California.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney